

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/85 C12N15/70 C12N5/10 C12Q1/68 G01N33/50

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12Q C12N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| X | WO 97/39722 A (T CELL SCIENCES, INC; LIN, AUGUSTINE, Y.-T; UMLAUF, SCOTT, W; BATZER,) 30 October 1997 (1997-10-30) the whole document | 24-43 |
| X | US 2002/132290 A1 (FRAZER KELLY A ET AL) 19 September 2002 (2002-09-19) the whole document | 24-43 |
| A | WO 95/31722 A (LIGAND PHARMACEUTICALS, INC) 23 November 1995 (1995-11-23) the whole document | 24-43 |
| A | US 2003/149254 A1 (ANDERSON DAVID ET AL) 7 August 2003 (2003-08-07) the whole document | 24-43 |
| | ----- -/-- | |

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

21 March 2005

Date of mailing of the international search report

01/04/2005

Name and mailing address of the ISA

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Kools, P

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| P, A | US 2004/029109 A1 (LAI DERHSING) 12 February 2004 (2004-02-12) the whole document ----- | 24-43 |

INTERNATIONAL SEARCH REPORT

International application No.
PCT/PL2004/000075

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 1-23
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 1-23

The initial phase of the search revealed a very large number of documents relevant to the issue of novelty. Claim 1 as read in its broadest interpretation is related to isolated nucleic acid molecules coding for a known reporter gene. So many documents were retrieved that it is impossible to determine which parts of the claim(s) may be said to define subject-matter for which protection might legitimately be sought (Article 6 PCT). For these reasons, a meaningful search over the whole breadth of the claim(s) is impossible. Consequently, the search has been restricted to:

Methods of obtaining characteristics of a tested substance characterised in that the tested substance is put into contact with a cell line or collection of cell lines having been transformed with specific reporter constructs, wherein a reporter gene is placed under the control of a promoter and 3'UTR sequence of a known cytokine gene, and wherein a change in the expression level of said reporter construct is measured and accepted as a characteristic of the tested substance. Also searched are the uses of said methods.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
|---|----|---------------------|---|--|
| WO 9739722 | A | 30-10-1997 | AU 2814897 A WO 9739722 A2 | 12-11-1997 30-10-1997 |
| US 2002132290 | A1 | 19-09-2002 | NONE | |
| WO 9531722 | A | 23-11-1995 | AU 2646295 A CA 2190275 A1 EP 0765475 A1 JP 10500485 T WO 9531722 A1 | 05-12-1995 23-11-1995 02-04-1997 13-01-1998 23-11-1995 |
| US 2003149254 | A1 | 07-08-2003 | EP 1399547 A1 WO 02090535 A1 US 2004002056 A1 AU 1482101 A CA 2390011 A1 EP 1228233 A2 JP 2003513672 T WO 0134824 A2 | 24-03-2004 14-11-2002 01-01-2004 06-06-2001 17-05-2001 07-08-2002 15-04-2003 17-05-2001 |
| US 2004029109 | A1 | 12-02-2004 | AU 2003218403 A1 CA 2480434 A1 EP 1495483 A2 WO 03083905 A2 | 13-10-2003 09-10-2003 12-01-2005 09-10-2003 |